

VERSION WITH MARKINGS TO SHOW CHANGES MADE

13. (Amended) The liner of claim 9, wherein the resin absorbable material of the tube is impregnated with [a cureable] curable resin and the resin absorbable material of the collar is impregnated with [cureable] curable resin.

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This Amendment is submitted in response to the outstanding Office Action wherein the Examiner rejected claims 9, 13 and 14, all the claims in the application.. Reconsideration of the application with a view towards allowance based on the Personal Interview, the amendments presented herewith and the following remarks is respectfully requested.

Prior to discussing the outstanding rejections, applicant takes this opportunity to thank Examiner Sandra Nolan for the time, consideration and cooperation offered to his person representatives during a Personal Interview on March 15, 2001. The responsiveness and the suggestions of the Examiner as set forth on the Interview Summary are indeed helpful and the following remarks are based on that helpful discussion at the Interview.

Applicant also notes with appreciation that the Amendment submitted January 25, 2001 (Paper No. 23) has been entered and that claims 9, 13 and 14 are pending. The Examiner's characterization of claims 9, 13 and 14 as set forth that page 2 of the Office Action is correct. As discussed at the Interview and as set forth in more detail below, applicant's liner includes a collar formed of resin absorbing material. It is flexible and conformable and is not of a resilient nature so as to act as a restraining feature as disclosed in the principal prior art reference to Long U.S. Patent No. 5,108,533. It is respectfully submitted that defining the collar as flexible material adapted to conform to the inner surface of the main pipeline around the lateral aperture, emphasizes this flexible and conforming nature of applicant's collar so as not to provide the retaining feature sought by Long in his outside-in installation method.

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Applicant notes with appreciation that the rejection of claim 9, under Section 112 on the ground of new matter has been withdrawn by the newly proposed claims. It is also noted that the Examiner has maintained the rejection of claim 9 under Section 103 over Long and extended that to claims 13 and 14. However, it is anticipated that the Examiner having recognized the important distinction between the sealing function of the liner of the claims and the retaining function in Long, she will reconsider and withdraw this rejection. Accordingly, this rejection is respectfully traversed for the reasons discussed at the Interview and as set forth below.

The Examiner also raised a new rejection under Section 112. The term "curable" was misspelled in lines 2 and 3 of claims 13. This has been corrected by the amendment submitted herewith and the rejection should be withdrawn.

Turning, now to the prior art rejection, the Examiner noted that the rejection over Long is set out in paragraph 6 (Paper No. 20). Here, the Examiner referred back to paragraphs 4-7 of the Office Action mailed on December 10, 1998 (Paper No. 9). Paragraph 4 includes only a Section 102(b) rejection over Long. The Section 103 rejection over Long was based on Long teaching a flexible tubular member impregnated with a thermoplastic resin and a flexible retainer secured thereto which is ultimately positioned within the main pipe from the service pipe terminal end. The Long liner includes further reinforcement, a feature that was in claims 10 and 11, but is no longer present in the claims under consideration. Thus, the precise nature of the rejection is not fully clear from the Office Actin. However, the teachings in Long are described in paragraph 4 and this response is

based on application of this teaching under Section 103. Accordingly, this rejection is respectfully traversed.

The Examiner has also restated her position that the method of using the product is not material to the issue of patentability of the product itself. This issue has been dealt with in several prior responses and was discussed again at the Interview. Applicant notes that reference has been made to the manner of installation of the liner to highlight the distinctions between the prior art teaching in Long and the liner of the claims. As noted by the Examiner in the Interview Summary, the retaining features of Long is a major distinction between the claims and the teaching in Long. As pointed out during the Interview, the construction in Long can be installed from the inside-out or from the outside-in. However, the liner in Long is specifically designed for installation from the outside-in. In this process, when the retainer is compressed and the liner inserted from the outside through the lateral, the liner will proceed to the main line at which time the retainer will spring back to its full open position. The inherent rigidity of the retainer allows the liner to be pulled back from the entrance to the lateral connection to insure it is in position prior to curing.

In marked contrast to Long's product and method of installation, applicant's liner is specifically designed to be installed from the inside-out and to conform closely to the junction between the main pipe and the lateral connection. By providing a fully flexible and conformable collar of resin impregnable material as set forth in the claims, applicant provides a liner which establishes an effective seal at the junction between the main pipe and the lateral. Applicant's liner does not provide a retaining feature, because it is not required

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when installing from the inside-out. Applicant's collar is retained in position at the junction with the lateral by the installation device and not by the retainer.

Applicant respectfully submits that the critical difference between the liner in the claims and that shown in Long is that Long provides for a retainer in the collar. As Long teaches at col. 6, line 46 "the flexible retainer 46 is preferably positioned within a rolled-over portion of the flexible tube 41." It is respectfully submitted that there is simply no teaching or suggestion in Long to omit the retainer and provide a liner as applicant shows in his Fig. 7. To omit the retainer in Long would not permit the liner to be installed in the manner described in connection with Fig. 4. Here, Long uses guide member or pull forward rope that is releasable secured to the leading end so that the flexible retainer is positioned within the main pipe as shown in Figs. 9 and 10 (col. 7, lines 53-57). The reason for the retainer is then describes as follows:

Thus, the flexible retainer member assembly 32 can be pulled taught within the service pipe 18 that the flexible retainer 46 seats within the main pipe approximate to the service pipe terminal end 18b, as discussed in more detail hereinafter.

The discussion in Long continues at column 8, line 9 which describes the use of push rod 54 so that the flexible retainer 46 is positioned within the main pipe as follows:

As mentioned previously, the trailing end of 32b of the flexible tubular member assembly 32 includes a pull member or pull back

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rope 40 releasable secured thereto through the metal grommet 36 for pulling the flexible tubular member assembly 32 taught within the service pipe 18 such that the flexible retainer 46 seats within the main pipe 14 proximate the terminal end 18b after the sewer push rod 54 is removed, as discussed in more detail hereinafter.

Applicant's representative exhibited to the Examiner a liner as illustrated in Fig. 7. This liner was inserted into a section of main pipeline with tubular portion 14 extending out the lateral connection. When minimal tugging pressure was exerted on tubular portion 14, collar 100 readily slipped into the lateral pipeline and could easily be withdrawn. Thus, the flexible collar as set forth in applicant's claim, does not perform a retaining function so critical and important to Long. In sum, the primary function in Long is to retain, not conform to the lateral opening. As a practical matter the rigidity of the retainer in Long is important to perform the retaining function, but may interfere with the sealing function at the lateral opening. Applicant on the other hand, provides collar 100 formed of flexible resin absorbing material enabling the formation of an effective seal.

Applicant respectfully submit that this distinction between the liner set forth in the claims and that in Long clearly represents a patentable distinction. The retaining feature of Long is a critical feature of the Long device. This feature is absent in applicant's construction. In view of this, applicant respectfully submits that claims 9, 13 and 14 all the

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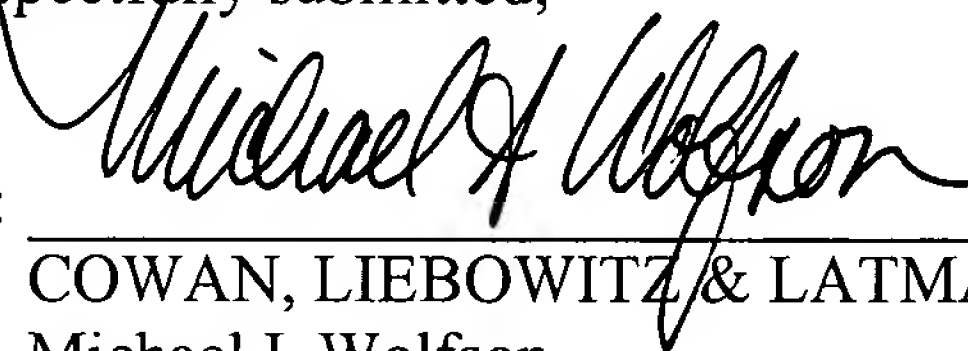
claims now remaining in the application are indeed patentable over Long and are condition for immediate allowance.

The Examiner is respectfully requested to review the application in light of the amendment presented herewith in the above remark and issue a favorable action. If upon review the application, the Examiner is unable to issue a immediate Notice of Allowance, the Examiner is respectfully requested to telephone applicants attorney with a view towards resolving the outstanding issues.

Early and favorable action is earnestly solicited.

Respectfully submitted,

By:



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